

## **VCP Application Guide**

The Employee Plans Compliance Resolution System (EPCRS), the Service's system of correction programs for retirement plan sponsors, is described in [Rev. Proc. 2006-27](#). This revenue procedure sets forth, in one document, everything you need to know about the programs that comprise the EPCRS, including the eligibility criteria for each program. If you are interested in submitting under the Voluntary Correction Program (VCP), this guide is designed for you. It is intended to be a quick reference tool to assist you in preparing a submission under the VCP. It is not intended to be all-inclusive; if you have additional questions, you may wish to consult the revenue procedure, your tax counsel, or our website: <http://www.irs.gov/ep>.

[Appendix D](#) of Rev. Proc 2006-27 provides two Sample Formats for VCP submissions to help you prepare your VCP submission. One sample format is useful if the only failure for which the plan is being submitted is the failure to amend timely for tax legislation, such as GUST<sup>1</sup> or EGTRRA<sup>2</sup>; the other can be used for any other type of submission. These sample submission formats are appended to this guide for your convenience and may be photocopied for use.

### **Identification of Failure**

Every VCP submission must list and describe the plan failure or failures that are the subject of the submission. The Service will not review the submission and make a determination as to whether a failure has occurred. If a submission does not identify a failure, the submission will be rejected. In addition, if, at any stage of the review process, the Service determines that your VCP submission is seriously deficient or that the application of VCP would be inappropriate or impractical, the Service can return the submission, including any compliance fee, without contacting you. A complete and accurate submission allows us to make these determinations as quickly as possible.

The submission should specify:

- 1) All plan years that the failure(s) occurred,

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<sup>1</sup> The term "GUST" refers to the following:

- the Uruguay Round Agreements Act, Pub. L. 103-465;
- the Uniformed Services Employment and Reemployment Rights Act of 1994, Pub. L. 103-353;
- the Small Business Job Protection Act of 1996, Pub. L. 104-188;
- the Taxpayer Relief Act of 1997, Pub. L. 105-34;
- the Internal Revenue Service Restructuring and Reform Act of 1998, Pub. L. 105-206; and
- the Community Renewal Tax Relief Act of 2000, Pub. L. 106-554.

<sup>2</sup> Economic Growth and Tax Relief Reconciliation Act of 2001, Pub. L. 107-16

- 2) The number of participants affected by each failure (this number may be estimated),
- 3) The administrative procedures that were in effect at the time of the failure(s), and
- 4) How and why the failures occurred.

Note: The compliance statement addresses only the failures identified in the submission, so to the extent a failure is accidentally left out or a year in which a failure occurred is accidentally omitted, the failure or year will not be covered by the compliance statement. If the plan is subsequently audited by the Service, the omitted items could cause the plan to be disqualified as a result of the audit.

### **Description of Proposed Method of Correction**

The submission must also contain a description of the method that is proposed to be used to correct the plan qualification failure. Certain principles apply to all correction methods, including the following (this is not an exclusive list; see section 6.02 of Rev. Proc. 2006-27 for a complete list):

- Full correction is required for all participants and beneficiaries for all tax years (including closed years) unless an exception is provided in sec 6.02(5) of Rev. Proc 2006-27. These exceptions primarily involve distributions of small benefits to participants, refunds of small overpayments to the plan, lost participants (where a reasonable effort has been made to locate the participants) and the use of estimates (where the cost of determining the actual amount of a benefit far outweighs its value).
- The plan should be restored to the position it would have been in had the failure(s) not occurred.
- Current and former participants and beneficiaries should be restored to the benefits and rights they would have had the failure not occurred.
- Correction should keep plan assets in the plan.
- The proposed correction method should not violate the provisions of the Internal Revenue Code.

The correction methods in [Appendix A](#) or [Appendix B](#) of Rev. Proc. 2006-27 are considered reasonable and appropriate methods of correction.

The description of the proposed correction method should provide:

- (1) The number of affected participants,
- (2) The expected cost of the correction,

- (3) The years involved,
- (4) A description of the method to calculate earnings,
- (5) Specific calculations to demonstrate the correction, and
- (6) The method to locate lost participants and beneficiaries.

### **Description of New (and Improved) Administrative Procedures**

The submission must also describe the procedures that have been adopted to prevent the failure from recurring.

### **Statement Regarding Exam Status**

The plan sponsor must state that the plan is not currently under examination or that the Service has not contacted the plan sponsor (or its representative), either verbally or in writing, of an impending examination of the plan by the Employee Plans Division or the Criminal Investigations Division of the Internal Revenue Service. Additionally, if the plan sponsor is an organization that must file a Form 990 series return, the [Form 990](#) of the plan sponsor must not be under IRS examination. An acceptable statement regarding exam status is set forth in each sample submission format in Appendix D.

### **Statement Regarding Determination Letter Status**

The application must state whether the plan sponsor has applied for and has a determination letter application currently pending for the plan that is the subject of the VCP submission. (See [Pub. 794](#) - Favorable Determination Letter for a description of the Determination Letter process - or visit

<http://www.irs.gov/retirement/article/0,,id=128189,00.html>

for the EP Determination Resource Guide). This statement should address only those determination letter requests that are made for reasons that are totally independent from the reasons for which the submission is being made under the VCP. For example, this statement would apply in the case of a plan that has been submitted timely for a determination letter for plan amendments made to reflect changes in Internal Revenue Code requirements, where the VCP submission describes a failure to follow the terms of the plan with regard to loans. Another example would include the situation where the plan is submitted for a determination letter on plan language modifying the plan's eligibility provisions from a one-year waiting period to a six month waiting period and the VCP submission relates to a vesting failure.

This is to be contrasted with DL requests that are required to be submitted along with the VCP submissions. DL requests are required to be submitted with a VCP submission (in the same submission package) where the plan amendments are

made to reflect changes in Internal Revenue Code requirements that were not adopted timely and are the subject of your VCP submission.

An acceptable statement regarding determination letter status is set forth in each sample submission format in Appendix D.

### **Penalty of Perjury Statement**

You or an officer of your business must sign a penalty of perjury statement that declares that the information and documents provided in the submission are true and correct. A sample penalty of perjury statement is included in each Sample Format for a VCP submission provided in [Appendix D](#) of Rev. Proc. 2006-27 and appended to this guide.

### **Other Documentation Required with the VCP Submission**

#### **Plan Document**

In order for the Service to process your VCP submission, we will need to have a copy of the provisions of your plan that are relevant to the failure and the correction method proposed. Most submissions include the entire plan document. However, the entire plan document is not required as long as all relevant plan provisions are provided. The plan document is used to verify the failures set forth in your submission and analyze the appropriateness of the proposed correction methods.

#### **Form 5500 and applicable VCP Fee**

If you are required to file a [Form 5500](#) for your plan, you must include in your submission the first three pages of the most recently filed Form 5500 and the applicable Financial Information Schedule filed.

In most cases, the VCP fee is based on the number of participants in the Plan. To determine the fee applicable to your submission, determine the number of total participants in your plan as provided on the most recently filed Form 5500 return. For Form 5500, that number is set forth in item 7(f). If you filed a Form 5500-EZ, determine the total number of participants as set forth on line 9. The VCP fee schedule is set forth in section 12 of Rev. Proc. 2006-27 and can be accessed by clicking this link: [VCP Fee Chart](#). The VCP fee is the same for most failures. See Section 12 of Rev. Proc. 2006-27 for the VCP fee for all other submissions for tax-qualified retirement plans.

Note: Failure to provide the correct fee could cause your submission to be rejected.

## **Power of Attorney (Form 2848) and Tax Authorization Form (Form 8821)**

If you are represented by a third-party with regard to your VCP submission, either a Form 2848, Power of Attorney and Declaration of Representative, or Form 8821, Tax Information Authorization, must be submitted to the Service along with the VCP submission. These forms permit the Service to disclose certain tax-related information to your representative. Without the proper form, the agent cannot discuss your case with your representative and this could hinder the processing of the case. You may use a Form 2848 if your representative is an attorney, CPA, an enrolled agent, an officer of the plan sponsor, a full-time employee of the plan sponsor, an enrolled actuary or an unenrolled return preparer who has prepared the return of the retirement plan or your business.

You must use a Form 8821 if your representative is not eligible to use the Form 2848, but has been designated by you to inspect or receive confidential information related to the VCP submission.

## **Determination Letter Application**

As discussed above, you may be required to submit a determination letter application as part of your VCP submission package. If that is the case, a determination letter application (applicable Form 5300 series) and user fee form (Form 8717, User Fee for Employee Plan Determination Letter Request) is generally required with a copy of the plan document. A determination letter application is not required where the failure to amend your plan timely for changes made to the Internal Revenue Code is corrected through the adoption of:

- (1) an IRS model amendment, or
- (2) a prototype or volume submitter plan.

Form 8717 sets forth the user fees for various types of determination letter applications.

If a determination letter application is required, the compliance statement will not be issued until the determination letter application is received and processed.

## **Acknowledgement Letter**

If you would like the Service to acknowledge receipt of your VCP submission, please complete the [Acknowledgement](#) form contained in [Appendix E](#) of the revenue procedure and include it with your submission. A photocopy of the Acknowledgement Form may be used.

## **Assembling your VCP Submission**

Assembling your VCP submission in the proper order enables the Service to process your submission more efficiently. We strongly recommend assembling your submission in the following order and manner:

1. [Form 8717](#) - User Fee for Employee Plan Determination Letter Request and a check for the determination letter fee made payable to the U.S. Treasury, if applicable.
2. A determination letter application (applicable Form 5300 series), if applicable.
3. Submission signed by the Plan Sponsor or Plan Sponsor's authorized representative, with a check for the VCP fee made payable to the U.S. Treasury attached to the front of the submission letter. The submission should include the following:
  - Type of plan (or group of plans) being submitted
  - Description of the failures (if the failures relate to Transferred Assets, include a description of the related employer transaction)
  - An explanation of how and why the failures arose
  - Description of the method for correcting failures, including earnings methodology (if applicable) and supporting computations (if applicable)
  - Description of the method used to locate or notify former employees affected by the failures or corrections. If no former employees are affected by the failures or corrections, then the letter should affirmatively state that position when addressing this issue.
  - Description of the administrative procedures that have been or will be implemented to ensure that the failures do not recur
  - Whether a request that participant loans corrected under this revenue procedure not be treated as distributions §72(p) is being made and supporting rationale for such request. Alternatively, whether a request that participant loans corrected under this revenue procedure should be treated as distributions in the year of correction is being made and supporting rationale for such request.
  - Whether relief from imposition of the excise taxes under §§ 4972, 4974 or 4979 is being requested, and the supporting rationale for such relief
  - If the plan is an Orphan Plan, whether relief from the VCP application fee is being requested, and the supporting rationale for such relief
  - A statement on whether the plan is being considered in an unrelated determination letter application (if applicable)
  - Statement that the plan is not Under Examination

- Statement that the Plan Sponsor is not under an Exempt Organizations examination
  - A statement that neither the plan nor the Plan Sponsor has been a party to an abusive tax avoidance transaction (as defined in section 4.13(2)) or a brief identification of any abusive tax avoidance transaction to which the plan or the Plan Sponsor has been a party.
  - Penalty of perjury statement
4. The VCP Checklist – (see [Appendix C](#) of Rev. Proc. 2006-27)
  5. An Acknowledgement Letter, if desired (see [Appendix E](#) of Rev. Proc. 2006-27)
  6. [Form 2848](#) (Power of Attorney and Declaration of Representation) or [Form 8821](#) (Tax Information Authorization) if the plan sponsor is represented by a third party.
  7. The most recent [Form 5500](#) (first three pages and the applicable Financial Information Schedule)
  8. A copy of most recent opinion or determination letter
  9. The plan documents (or relevant provisions) that are the subject of the VCP submission.
  10. Any other items that may be relevant to the submission

## **SAMPLE FORMATS FOR VCP SUBMISSIONS**

The following sample submission formats may be photocopied and used as part of a VCP submission.

### **I. SAMPLE FORMAT FOR VCP SUBMISSION FOR QUALIFIED PLAN**

Indicate Plan Type, and whether submission is a Group or Anonymous Submission
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#### **Identification of Failures**

A complete description, for each failure, which includes (but is not limited to):

- 1) A description of the failure
- 2) Years in which the failure occurred (including closed years)
- 3) Number of participants affected (may be estimated)
- 4) A description of the administrative procedures in effect at the time the failures occurred
- 5) Explanation of how and why the failures occurred

#### **Description of Proposed Method of Correction**

A complete description of the correction proposed, for each failure, which includes (but is not limited to):

- 1) a complete description of the method of correction proposed for correcting the failure. If multiple steps are involved, a narrative of the steps involved in implementing the proposed correction.
- 2) the number of employees affected (may be estimated)
- 3) the expected cost of correction (may be estimated)
- 4) the years involved
- 5) calculations or assumptions used to determine the amounts needed for correction
- 6) a description of the methodology that will be used to calculate earnings or actuarial adjustments on any corrective contributions or distributions (indicating the computation periods and the basis for determining earnings or



actuarial adjustments in accordance with section 6.02(4) of Rev. Proc. 2006-27)

- 7) specific calculations, sufficient to demonstrate each aspect of the correction method proposed, for each affected employee or a representative sample of affected employees
- 8) the method that will be used to locate and notify former employees and beneficiaries, or an affirmative statement that no former employees or beneficiaries were affected by the failures or will be affected by the correction
- 9) if a submission includes a failure that refers to Transferred Assets and the failure occurred prior to the transfer, a description of the transaction (including the dates of the employer change and the plan transfer).
- 10) any request (with supporting rationale) for either not treating participant loans as distributions pursuant to § 72(p) or that deemed distributions under § 72(p) be recognized in the year of correction.
- 11) any specific request (with supporting rationale) for relief from excise taxes under §§ 4972, 4974 or 4979.
- 12) for Orphan Plans only, any specific request for relief (with supporting rationale) from imposition of the Voluntary Compliance fee.

#### **Description of Administrative Procedures**

A description of the administrative measures that have been or will be implemented to ensure that the failure(s) will not recur

#### **Sample Statement regarding status of examination:**

To the best of the Plan Sponsor's knowledge (1) the subject Plan is not currently under examination of either an Employee Plans Form 5500 series return or other Employee Plans examination, (2) the Plan Sponsor is not under an Exempt Organizations examination (that is, an examination of a Form 990 series return or other Exempt Organizations examination, (3) neither the Employer nor any of its representatives have received verbal or written notification from the TEGE Division of an impending examination or of any impending referral for such examination, nor is the Plan in Appeals or litigation for any issues raised in such an examination, and (4) the subject Plan is not currently under investigation by the Criminal Investigation Division of the Internal Revenue Service.

#### **Sample Statement (if applicable) regarding status of any determination letter application not related to the VCP submission**

The Plan Sponsor applied for and has currently pending an application for a favorable determination letter with the Service filed on **(insert date)**.

**Sample Statement regarding abusive tax avoidance transactions if neither the Plan nor the Plan Sponsor was a party to such a transaction (note - if either the plan or plan sponsor was a party to such a transaction, a statement describing the transaction will be required)**

Neither the Plan nor the Plan Sponsor has been a party to an abusive tax avoidance transaction as defined in section 4.13(2) of Revenue Procedure 2006-27.

**Sample Penalty of Perjury:**

Under penalties of perjury, I declare that I have examined this submission, including accompanying documents and, to the best of my knowledge and belief, the facts and information presented in support of this submission are true, correct and complete.

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Name and Title (Executed by Plan Sponsor)

**Required Documentation:**

\_\_\_ Copy of plan document (or relevant plan provisions, i.e., those provisions relating to the failure(s) described in the submission)

\_\_\_ Copy of the first three pages of the most recently filed Form 5500 series return and the applicable Financial Information Schedule. (In the case of a terminated plan, the Form 5500 must be the one filed for the plan year prior to the plan year for which the Final Form 5500 return was filed.)

\_\_\_ Power of Attorney (Form 2848) or Tax Information Authorization (Form 8821), if applicable

\_\_\_ A statement that neither the plan nor the Plan Sponsor has been a party to an abusive tax avoidance transaction (as defined in section 4.13(2)) or a brief identification of any abusive tax avoidance transaction to which the plan or the Plan Sponsor has been a party.

**Determination letter application**

Your submission must include a determination letter application on the appropriate Form 5300 series application form if you are correcting a nonamender failure. A nonamender failure is a failure to amend the plan to reflect a change in a qualification requirement within the plan's applicable

remedial amendment period. A change in a qualification requirement includes a change arising from a statutory change, issuance of regulations or other guidance published in the Internal Revenue Bulletin. If you are correcting the nonamender failure through the adoption of an amendment designated by the Service as a model amendment or the adoption of a prototype or volume submitter plan for which you have reliance on the plan's opinion or advisory letter as provided in Rev. Proc. 2006-6, 2006-1 I.R.B. 204, no determination letter application is necessary. If your plan is terminating, or if you are correcting a failure other than a nonamender failure through a plan amendment and you are submitting your VCP submission during the same year the plan's remedial amendment period is expiring, you may request a determination letter on the plan. When submitting for a determination letter with a VCP submission, please submit the following documents:

- \_\_\_ a copy of the amendment (or entire plan, in the case of a nonamender failure)
- \_\_\_ the appropriate Form 5300 series application form, and
- \_\_\_ Form 8717 and the appropriate determination letter user fee

**[Acknowledgement Letter, if desired](#)**

**Assembling your submission**

Please assemble your submission package in the order provided in section 11.14 of this revenue procedure (and partially reproduced below). The sample format above may be used as a tool for preparing the information required for your submission.

1. If applicable, Form 8717 User Fee for Employee Plan Determination Letter Request and the check for the determination letter user fee made payable to the U.S. Treasury
2. Determination letter application (Form 5300 series), if applicable
3. Submission signed by the Plan Sponsor or Plan Sponsor's authorized representative, with a check for the VCP fee made payable to the U.S. Treasury attached to the front of the submission letter. The submission should include the following:
  - Type of plan (or group of plans) being submitted
  - Description of the failures (if the failures relate to Transferred Assets, include a description of the related employer transaction)
  - An explanation of how and why the failures arose
  - Description of the method for correcting failures, including earnings methodology (if applicable) and supporting computations (if applicable)
  - Description of the method used to locate or notify former employees affected by the failures or corrections. If no former employees are affected by the failures or corrections, then the

letter should affirmatively state that position when addressing this issue.

- Description of the administrative procedures that have been or will be implemented to ensure that the failures do not recur
  - Whether a request that participant loans corrected under this revenue procedure not be treated as distributions §72(p) is being made and supporting rationale for such request. Alternatively, whether a request that participant loans corrected under this revenue procedure should be treated as distributions in the year of correction is being made and supporting rationale for such request.
  - Whether relief from imposition of the excise taxes under §§ 4972, 4974 or 4979 is being requested, and the supporting rationale for such relief
  - If the plan is an Orphan Plan, whether relief from the VCP application fee is being requested, and the supporting rationale for such relief
  - A statement on whether the plan is being considered in an unrelated determination letter application (if applicable)
  - Statement that the plan is not Under Examination
  - Statement that the Plan Sponsor is not under an Exempt Organizations examination
  - A statement that neither the plan nor the Plan Sponsor has been a party to an abusive tax avoidance transaction (as defined in section 4.13(2)) or a brief identification of any abusive tax avoidance transaction to which the plan or the Plan Sponsor has been a party.
  - Penalty of perjury statement
4. Completed and signed checklist (see Appendix C of Rev. Proc. 2006-27)
  5. [Acknowledgement Letter](#), if desired
  6. Power of attorney (Form 2848) or Tax Information Authorization (Form 8821), if applicable
  7. Form 5500, (first three pages and the applicable Financial Information Schedule) or equivalent information
  8. Copy of opinion or determination letter (if applicable)
  9. Relevant plan document language or plan document (if applicable)
  10. Any other items that may be relevant to the submission

**II. SAMPLE FORMAT FOR VCP SUBMISSION FOR QUALIFIED PLAN  
WHERE THE ONLY ISSUE IS THE FAILURE TO AMEND TIMELY FOR TAX  
LEGISLATION**

<b>Indicate Plan Type and whether submission is a Group or Anonymous</b>	<b>Submission</b>
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**Identification of Failures**

1) Indicate which tax legislation is the subject of the submission: (check all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> ERISA<br><input type="checkbox"/> TEFRA<br><input type="checkbox"/> DEFRA<br><input type="checkbox"/> REA<br><input type="checkbox"/> TRA' 86<br><input type="checkbox"/> UCA<br><input type="checkbox"/> OBRA '93<br><input type="checkbox"/> GUST (includes CRA)<br><input type="checkbox"/> Good Faith EGTRRA amendments<br><input type="checkbox"/> § 401(a)(9) Final and Temporary Regulations | <input type="checkbox"/> EGTRRA<br><input type="checkbox"/> Other (list below) |
|--|--|

- 2) Years in which the failure(s) occurred (including closed years)
- 3) A description of the administrative procedures in effect at the time the failures occurred
- 4) Explanation of how and why the failures occurred

### **Description of Proposed Method of Correction**

Include appropriate Determination Letter Application (see “Required Documentation,” below).

### **Description of Administrative Procedures**

A description of the administrative measures that have been or will be implemented to ensure that the failure(s) will not recur

### **Sample Statement regarding status of examination:**

To the best of the Plan Sponsor's knowledge (1) the subject Plan is not currently under examination of either an Employee Plans Form 5500 series return or other Employee Plans examination, (2) the Plan Sponsor is not under an Exempt Organizations examination (that is, an examination of a Form 990 series return or other Exempt Organizations examination, (3) neither the Employer nor any of its representatives have received verbal or written notification from the TEGE Division of an impending examination or of any impending referral for such examination, nor is the Plan in Appeals or litigation for any issues raised in such an examination, and (4) the subject Plan is not currently under investigation by the Criminal Investigation Division of the Internal Revenue Service.

### **Sample Statement regarding abusive tax avoidance transactions if neither the Plan nor the Plan Sponsor was a party to such a transaction (note - if either the plan or plan sponsor was a party to such a transaction, a statement describing the transaction will be required)**

Neither the Plan nor the Plan Sponsor has been a party to an abusive tax avoidance transaction as defined in section 4.13(2) of Revenue Procedure 2006-27.

### **Sample Statement (if applicable) regarding status of any determination letter application not related to the VCP submission**

The Plan Sponsor applied for and has currently pending an application for a favorable determination letter with the Service filed on **(insert date)**.

**Sample Penalty of Perjury:**

Under penalties of perjury, I declare that I have examined this submission, including accompanying documents and, to the best of my knowledge and belief, the facts and information presented in support of this submission are true, correct, and complete.

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Name and Title (Executed by Plan Sponsor)

**Required Documentation:**

\_\_\_ Appropriate determination letter application form (i.e., Form 5300 series)

\_\_\_ Copy of plan document in effect prior to proposed amendment

\_\_\_ Copy of the proposed plan amendment

\_\_\_ Form 8717 and determination user fee

\_\_\_ Any other materials required to be submitted with determination letter application (see Forms 5300, 5310 & Schedule Q, and 5303)

\_\_\_ Copy of the first three pages of the most recently filed Form 5500 series return and the applicable Financial Information Schedule (In the case of a terminated plan, include the Form 5500 filed for the plan year prior to the plan year for which the Final Form 5500 return was filed.)

\_\_\_ Power of Attorney (Form 2848) or Tax Information Authorization (Form 8821), if applicable

\_\_\_ A statement that neither the plan nor the Plan Sponsor has been a party to an abusive tax avoidance transaction (as defined in section 4.13(2)) or a brief identification of any abusive tax avoidance transaction to which the plan or the Plan Sponsor has been a party.

\_\_\_ Copy of determination letter most recently issued with respect to the plan

Your submission must include a determination letter application on the appropriate Form 5300 series application form if you are correcting a nonamender failure. A nonamender failure is a failure to amend the plan to reflect a change in a qualification requirement within the plan's applicable remedial amendment period. A change in a qualification requirement includes a change arising from a statutory change, issuance of regulations or other

guidance published in the Internal Revenue Bulletin. If you are correcting the nonamender failure through the adoption of an amendment designated by the Service as a model amendment or the adoption of a prototype or volume submitter plan for which you have reliance on the plan's opinion or advisory letter as provided in Rev. Proc. 2006-6, 2006-1 I.R.B. 204, no determination letter application is necessary. If your plan is terminating, or if you are correcting a failure other than a nonamender failure through a plan amendment and you are submitting your VCP submission during the same year the plan's remedial amendment period is expiring, you may request a determination letter on the plan.

[Acknowledgement Letter](#), if desired

### **Assembling your submission**

If you are preparing your submission using the sample format provided above, please assemble your submission package in the following order:

1. Form 8717 User Fee for Employee Plan Determination Letter Request and the check for the determination letter fee made payable to the U.S. Treasury
2. Determination letter application (applicable Form 5300 series)
3. Submission, with a check for the VC fee made payable to the U.S. Treasury attached to the front of the submission letter, and including:
  - Identification of Failures
  - Description of Proposed Method of Correction
  - Description of Administrative Procedures
  - Statement regarding status of examination
  - Statement regarding abusive tax avoidance transactions
  - Statement regarding unrelated determination letter application (if applicable)
  - Penalty of Perjury statement
4. Completed and signed Checklist (see Appendix C of Rev. Proc. 2006-27)
5. [Acknowledgement Letter](#), if desired
6. Power of attorney (Form 2848) or Tax Information Authorization (Form 8821), if applicable
7. Form 5500 (first three pages and the applicable Financial Information Schedule) or equivalent information including: number of participants in the plan and total amount of plan assets
8. Copy of opinion or determination letter
9. Copy of plan document in effect prior to the proposed plan amendment(s)
10. Copy of the proposed plan amendments



## Acknowledgement Letter

[	]	INSERT NAME AND
[	]	ADDRESS OF PLAN
[	]	SPONSOR OR
[	]	POWER OF
		ATTORNEY AT LEFT

Plan Name: [Insert plan name and plan number]

Control #: \_\_\_\_\_ [To be completed by the Internal Revenue Service]

Received Date: \_\_\_\_\_ [To be completed by the Internal Revenue Service]

The Internal Revenue Service, Employee Plans Voluntary Compliance, has received your VCP Submission for the above-captioned plan. Your request has been assigned the control number listed above. This number should be referred to in any communication to us concerning your submission.

You will be contacted when the case is assigned to an agent. If you are not contacted within 120 days from the date of this letter, and need to inquire about the status of your case, please call (202) 283-9888 (not a toll-free number). Please leave a message with the name of the Plan, the Control Number, your name and a phone number where you can be reached.

Thank you for your cooperation.

**VCP Fee Chart**  
(for Qualified Plans and 403(b) Plans)

<i>Number of Participants</i>	<b>Fee</b>
20 or fewer	\$ 750
21 to 50	\$ 1,000
51 to 100	\$ 2,500
101 to 500	\$ 5,000
501 to 1,000	\$ 8,000
1001 to 5,000	\$ 15,000
5,001 to 10,000	\$ 20,000
Over 10,000	\$ 25,000